

Exhibit 5

Rich Raiders, Esq., #314857
1150 Chestnut Street
Lebanon, PA 17042
484 509 2715
Attorney for Defendant

ENTERED & FILED
PROTHONOTARY OFFICE
LEBANON, PA
2021 AUG 10 P 3:02

KRISTOFFER R. HEXTER,
Plaintiff

v.

SARA ASHLEY PICKETT,
Defendant

: IN THE COURT OF COMMON PLEAS OF
: LEBANON COUNTY, PENNSYLVANIA
:
: CIVIL COURT -- FAMILY DIVISION
:
:
: NO. 2018-20204

PRAECIPE FOR DISPOSITION

TO THE PROTHONOTARY: Please transmit the accompanying Petition for Special Relief: Motion to
Transfer to the Court for disposition pursuant to Leb. R.C.P. § 205.5.

Judge Previously Assigned to this matter: Hon. Samuel A. Kline.

Hearing IS requested (in the form of Argument Court).

Length of Anticipated Hearing: 30 minutes.

The names and addresses of all opposing counsel/pro se litigants are as follows:

Joshua Harshberger, Esq., 8150 Derry Street, Suite A, Harrisburg, PA 17111

Plaintiff's counsel is not available the following dates/times: August 23-27, September 1,
September 1, 8, 10, 14, October 14.

Respectfully Submitted,



Date: August 10, 2021

Rich Raiders, Esq., Attorney 314857
Raiders Law PC
1150 Chestnut Street
Lebanon, PA 17042
484 509 2715 voice, 610 898 4623 fax
rich@raiderslaw.com
Attorney for Defendant

KRISTOFFER R. HEXTER,
Plaintiff

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: IN THE COURT OF COMMON PLEAS OF
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ORDER

AND NOW, on this _____ day of _____, 20_____, upon consideration of the Preliminary Objections of Mother and any response thereto, it is hereby ORDERED that Mother's Petition for Special Relief: Motion to Transfer in the above-captioned matter are GRANTED. All further proceedings in this matter after this date shall be raised before the York County Court of Common Pleas in York, Pennsylvania.

BY THE COURT,

Samuel A. Kline, J.

Distribution:

J. Harshberger, 8510 Derry Street, Harrisburg, PA, 17111: for Plaintiff – **Prothonotary Box**
Rich Raiders, 1150 Chestnut Street, Lebanon, PA 17042: for Defendant – **Prothonotary Box**

KRISTOFFER R. HEXTER,
Plaintiff

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: NO. 2018-20204

ORDER

AND NOW, on this _____ day of _____, 20_____, upon consideration of the Preliminary Objections of Mother and any response thereto, it is hereby ORDERED that a hearing on Mother's Petition for Special Relief: Motion to Transfer will be held on the _____ day of _____, 20____ in Courtroom _____ of the Lebanon County Courthouse, 400 South Eighth Street, Lebanon, PA 17042.

Father is notified that he may, if he wishes to attend, request the court by means of a *habeas* petition and writ to make arrangements for transportation to and presence at the hearing, or, in the alternative, request virtual presence at the hearing. Such a request must be made within ten (10) days prior to the scheduled date.

BY THE COURT,

Samuel A. Kline, J.

Distribution:

J. Harshberger, 8510 Derry Street, Harrisburg, PA, 17111: for Plaintiff – **Prothonotary Box**
Rich Raiders, 1150 Chestnut Street, Lebanon, PA 17042: for Defendant – **Prothonotary Box**

Rich Raiders, Esq., #314857
1150 Chestnut Street
Lebanon, PA 17042
484 509 2715
Attorney for Defendant

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LEBANON, PA

2021 AUG 10 P 3:03

KRISTOFFER R. HEXTER,
Plaintiff

v.

SARA A. PICKETT,
Defendant

: IN THE COURT OF COMMON PLEAS OF
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PETITION FOR SPECIAL RELIEF: MOTHER'S MOTION TO TRANSFER MATTER TO YORK COUNTY

AND NOW, Mother, Sara A. Pickett, by and through her below-signed counsel, requests as Special Relief that the Court transfer the instant matter to the York County Court of Common Pleas in York, Pennsylvania, and avers in support thereof as follows:

1. Mother resides in York County, Pennsylvania at an address which Mother requests be kept confidential from Father due to ongoing and historical conflict between the parents.
2. On August 4, 2021, Father, Kristoffer Hexter, was sentenced to 54 months to ten years within the State Correctional Institution system on Lebanon County criminal docket 654 of 2020, a certified copy of which was provided to the Court in the July 14, 2021 hearing in this matter.
3. Since Father's incarceration, the minor children reside full time with Mother in York County.
4. The children no longer have significant contacts with Lebanon County and will not for far longer than the six-month rule presumption in Pa. R.C.P. 1915.2(a).
5. A custody conciliation is scheduled for August 24, 2021 before Patrick Reb, Esq.

6. Paternal Grandparent, Bruce Hexter, filed an intervention petition with the Court on August 2, 2021.
7. Preliminary objections are pending concerning said intervention petition.
8. On July 14, 2021, Father filed a contempt petition against Mother.
9. Preliminary objections are pending concerning said petition.
10. On July 24, 2021, Mother filed a contempt petition against Father.
11. That petition is pending a scheduling order.
12. Without significant contacts, Mother, who does not possess a Pennsylvania driver's license or own or operate a motor vehicle, is prejudiced by having to travel two hours round trip to a county where she does not reside, and has not resided for the last year, for custody proceedings involving children who do not live in Lebanon County.
13. Under Rule 1915.2(a)(2), Father will no longer have minimum contacts with Lebanon County, and has been advised by the Court that this case is more properly suited in York County, where Mother resides.
14. Once a county loses "significant connections" with the parties, the court should not continue to oversee a custody matter. *J.K. v. W.L.K.*, 2014 Pa. Super. 231, 102 Pa.3d 511, 516 (Pa. Super. 2014).
15. A judicial district can no longer be maintained as the venue for custody actions when none of the parties or the minor children reside in the county. *Id.* at 516; citing, 23 Pa. C.S. § 5422; citing, 23 Pa. C.S. 5421.

16. Knowing that Father and the minor children no longer have significant contacts with Lebanon County and the children reside full-time in York County, there is no reasonable cause for the court to continue to exercise ongoing jurisdiction. *Id.* at 516-17.
17. As Mother resides in York County, and the children are now exclusively residents of York County, York County is the exclusive appropriate and convenient venue for any further proceedings in this matter.
18. Mother requests that the August 24, 2021 custody conciliation be cancelled or continued pending resolution of this Petition for Special Relief.
19. If the Custody conciliation is permitted to proceed on August 24, Mother requests that any exceptions be addressed by the York County Court of Common Pleas.
20. An incarcerated parent has the full rights to amend a custody order to accommodate the circumstances of the incarcerated parent's confinement.
21. Any notice implicating an incarcerated party's participation in any custody matter must contain certain notices about that party's options to meaningfully participate in the hearing. *Id.* at 1161-62.

WHEREFORE, Mother respectfully requests that this Honorable Court transfer venue for this action to York County at the first available opportunity, and direct that any further proceedings be conducted by the York County Court of Common Pleas as expeditiously as possible and provide any other relief as may be just.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Rich Raiders', written over a horizontal line.

Date: August 10, 2021

Rich Raiders, Esq.
Attorney 314857
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1150 Chestnut Street
Lebanon, PA 17042
484 509 2715 voice
610 898 4623 fax
rich@raiderslaw.com
Attorney for Defendant

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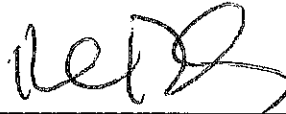
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MEMORANDUM OF LAW IN SUPPORT OF PRELIMINARY OBJECTIONS

The minor children have no further substantial contacts with Lebanon County. Mother lives in York County. Father's domicile is with the Department of Corrections for the next 54 months or more. Once a county loses "significant connections" with the parties, the court should not continue to oversee a custody matter. *J.K. v. W.L.K.*, 2014 Pa. Super. 231, 102 Pa.3d 511, 516 (Pa. Super. 2014). The Court should transfer the matter to York County.

Respectfully Submitted,



Date: August 10, 2021

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Attorney 314857
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CERTIFICATE OF SERVICE

I, Rich Raiders, Esquire, hereby certify that I served a copy of foregoing upon Plaintiff in
the manner indicated below.

Joshua Harshberger, Esq.
8150 Derry Street
Harrisburg, PA 17111
Counsel for Plaintiff
First Class Mail

Respectfully Submitted,



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LEBANON
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully Submitted,



Date: August 10, 2021

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